Serial No.: 10/564,876

Attorney Docket No.: 801948-0005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s)

Terence Harden, et al.

Sérial No.

10/564,876

Filing Date

January 17, 2006

Title

BACTERIAL TREATMENT

Group/Art Unit

Not yet assigned

Examiner

Not yet assigned

Confirmation No.

Not yet assigned

Atty. Docket No.

801948-0005

## **INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. § 1.56 and § 1.97(b), the references listed below and on the attached Form PTO/SB/08A (Substitute for Form 1449A-B/PTO) are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified national phase patent application. Copies of these references are enclosed. Submission of these references is not an admission that the references constitute prior art.

#### FOREIGN PATENTS AND PUBLICATIONS

Publication No.	<u>Inventor(s)</u>	<b>Publication Date</b>
WO 1999/032651 A1	BCM Developpement Inc.	07/01/1999
WO 1999/028441 A1	Eisai Co., LTD	06/10/1999

### Certificate of Mailing Under 37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

777 22515 7 150, 011.
Date: 2-22-06
Signature: Becky Diebold
Printed Name: Becky Diebold

The Director is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 19-4409.

Serial No.: 10/564,876

Attorney Docket No.: 801948-0005

**OTHER REFERENCES** 

EMBL Ac. No. AB017591, Kim, J.K., 15 March 1999 (3 pages: cover page and p. 1-2)

DGENE DATABASE Ac. No. ABK10958, Koo, B.S. et al., 06 Jun 2002 (p. 25, p. 12-13)

PCT Pub. No. WO 1999/028441 A1 relates to a novel antibacterial Bacillus subtilis

strain. This strain exhibits antibacterial effects against certain deleterious bacteria while not

exhibiting such effects against certain lactic acid bacteria.

Applicants respectfully request that these references be made of record in the above-

identified application and considered by the Examiner during prosecution of the application.

It is respectfully submitted that the present invention as claimed is patentable over the

listed references.

This information disclosure statement is being filed within three months of the filing date

of a national application other than a continued prosecution application under § 1.53(d).

Accordingly, no fee is due.

Acknowledgment of receipt is respectfully requested.

Respectfully submitted,

Bv: 9

Susan Wharton Bell, Reg. No. 41,524

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- 2 -

PTO/SB/08A (08-00) Approved for use through 10/31/2002. OMB 0651-0031

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Complete if Known Substitute for Form 1449A/PTO **Application Number:** 10/564,876 INFORMATION DISCLOSURE January 17, 2006 Filing Date: First Named Inventor: Terence Harden STATEMENT BY APPLICANT Group Art Unit: (use as many sheets as necessary) **Examiner Name:** Sheet 1 of 2 Attorney Docket Number: 801948-0005

				U. S. PATENT DOCUMENTS		
Examiner Initials*	Cite	U.S. Patent Document		Name of Patentae or Applicant	Date of Publication of	Pages, Columns, Lines Where Relevant
	No.1	Number	Kind Code <sup>2</sup> (if known)	Name of Patentee or Applicant of Cited Document	Cited Document MM-DD-YYYY	Passages or Relevant Figures Appear
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	No.1	Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)	Applicant of Cited Document	Cited Document MM-DD-YYYY	Passages or Relevant Figures Appear	T 6
			WO 1999/032651 A1		BCM Developpement Inc.	07/01/1999		
			WO 1999/028441 A1		Eisai Co., Ltd	06/10/1999		
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Examiner	Date	
Signature	Considered	

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>&</sup>lt;sup>1</sup>Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached

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Substitute for Form 1449B/PTO (Modified)

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

of 2

Sheet

	Complete if Known	
Application Number:	10/564,876	
Filing Date:	January 17, 2006	
First Named Inventor:	Terence Harden	
Group Art Unit:		
Examiner Name:		
Attorney Docket Number:	801948-0005	

	OTHER REFERENCES – NON PATENT LITERATURE DOCUMENTS AND INFORMATION				
Examiner Initials*	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T2		
		EMBL Ac. No. AB017591, Kim, J.K., 15 March 1999 (3 pages: cover page and p. 1-2)			
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